

## Dispute Resolution: Franchise Entity (Municipality) or Provider vs. Provider

### spotlight

#### **The Michigan Public Service Commission's (MPSC) role in informal and formal video/cable television complaints:**

Public Act 4 of 2009 — Providing a dispute resolution process for complaints between municipalities or providers and cable providers.

#### **Who can file an informal complaint on behalf of a municipality/provider?**

A municipality/provider may speak on behalf of itself when filing an informal complaint. Legal representation is not required until a formal complaint is filed.

#### **What does a municipality/provider need to do to file an informal complaint?**

The municipality/provider shall file a written notice of the dispute with the MPSC.

#### **What information is required in the notice of dispute?**

- Identifying the nature of the dispute.
- Language that requests an informal dispute resolution process.
- Language stating the other party has been served the notice of the dispute.

#### **What happens after the notice is filed?**

Commission staff will conduct an informal

mediation with both parties in an attempt to resolve the dispute.

#### **What if the dispute is not resolved with informal mediation?**

If a satisfactory resolution to the dispute is not achieved any named party in the complaint may file a formal complaint.

#### **How does the formal complaint process begin?**

A representative submits the following, in writing, to the commission:

- Information that states the section(s) of the public act or franchise agreement that was allegedly violated.
- Sufficient facts to support the allegations.
- The relief requested.
- All information— testimony, exhibits and other documents— in possession the party intends to rely on to support the complaint.

#### **How does the formal complaint process proceed?**

- Once the complaint is filed each party has ten days to agree on alternative means to resolve the complaint.
- If no agreement is reached within 10 days, the Commission shall order mediation.
- Within 60 days from the date mediation is ordered, the mediator shall issue a recommended settlement.

**What happens after the proposed settlement is presented?**

- Each party shall file, with the Commission, a written acceptance or rejection of the recommended settlement within 7 days.
- If the parties accept the recommendation, then the recommendation shall become the final order.
- If a party rejects or fails to respond within 7 days to a proposed settlement, then the complaint will proceed to a contested case hearing.
- A party that rejects the recommended settlement shall pay the opposing party's actual costs of proceeding to a contested case hearing.

**What is the format of a contested case hearing?**

A contested case hearing is provided under section 203 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2203

[www.legislature.mi.gov/\(S\(ytxbgg55gxrfz45wc3nmuim\)\)/mileg.aspx?page=GetMCLDocument&objectname=mcl-484-2203a](http://www.legislature.mi.gov/(S(ytxbgg55gxrfz45wc3nmuim))/mileg.aspx?page=GetMCLDocument&objectname=mcl-484-2203a)

**For more information:**

For more information about filing a formal complaint, Public Act 480, or the dispute resolution process (PA 4 of 2009), go to the MPSC website at: [michigan.gov/mpsc](http://michigan.gov/mpsc); click on the video/cable tab.

**You may also contact the MPSC at:**

Telecommunications Division  
Attn: Video Franchising  
7109 W. Saginaw Hwy.  
P.O. Box 30221  
Lansing, MI 48909

Phone: (800) 292-9555

Fax: (517) 284-8200

**Online Formal Complaint Form:**

Complaints can be filed online via the video/cable web site.

[michigan.gov/mpsccomplaints](http://michigan.gov/mpsccomplaints)